

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARNETTA SWIFT,)	8:14CV259
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
SCHMADERER, Chief Omaha)	
Police, and JOHN DECOHORT,)	
Unknown of Omaha Police Officers,)	
)	
Defendants.)	

This matter is before the court on its own motion. Plaintiff filed her Complaint (Filing No. [1](#)) in this matter on September 2, 2014. The court has granted Plaintiff leave to proceed in forma pauperis. The court must now conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#). However, the court cannot conduct a meaningful review of Plaintiff's claims because the Complaint is almost entirely illegible.¹ On the court's own motion, Plaintiff will be given leave to file an amended complaint in this matter.

Plaintiff should keep the following in mind when drafting her amended complaint. Federal Rule of Civil Procedure 8 requires that every complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief" and that "[e]ach allegation . . . be simple, concise, and direct." [Fed. R. Civ. P. 8\(a\)\(2\), d\)\(1\)](#). A complaint must state enough to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." [Erickson v. Pardus, 551 U.S. 89, 93 \(2007\)](#) (quoting [Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 \(2007\)](#)).

¹Charles Swift, a nonparty, submitted two items of correspondence in this matter. (See Filing Nos. [6](#) and [7](#).) Plaintiff is advised that Charles Swift may not prosecute this action on her behalf and the court will not consider pleadings or document submitted by third parties.

A pro se plaintiff's allegations should be construed liberally. Burke v. North Dakota Dep't of Corr. & Rehab., 294 F.3d 1043, 1043-44 (8th Cir. 2002). However, pro se litigants must comply with the Federal Rules of Civil Procedure. See Burges v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984) (“[P]ro se litigants are not excused from failing to comply with substantive and procedural law.”).

IT IS THEREFORE ORDERED that:

1. Plaintiff must file an amended complaint within 30 days from the date of this Memorandum and Order. Plaintiff's amended complaint must be legible and must clearly set forth a short and plain statement of the claims against each Defendant. The court will dismiss this matter without further notice if Plaintiff fails to file an amended complaint or files an amended complaint that does not comply with general pleading requirements.

2. The clerk's office is directed to set a pro se case management deadline in this matter using the following text: January 9, 2015: check for amended complaint.

DATED this 8th day of December, 2014.

BY THE COURT:

s/ John M. Gerrard
United States District Judge

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